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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : T. Venkat Gopal) Group Art Unit: 1636
 Re. App. No. : 09/404,979) CERTIFICATION OF FACSIMILE
 Re. App. Filed: September 22, 1999) TRANSMISSION
 For : PEPTIDE-MEDIATED) I hereby certify that this Request for
 GENE TRANSFER) Extension of Time Under 37 Cfr.
 Assignee : Genetic Applications) 1.136(b) is being facsimile
 Patent No. : 5,670,347) transmitted to the Patent and
 Issued : September 23, 1997) Trademark Office on June 1, 2000.
 Examiner : T. McKelvey)

Nancy W. Venko
 Nancy W. Venko, Attorney
 Registration No. 36,298

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REQUEST FOR EXTENSION OF TIME UNDER 37 CFR 1.136(b)

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

Applicant hereby requests that the shortened statutory period for response to the Office Action mailed April 5, 2000, set to expire two months from the mailing date be extended ONE MONTH so that the shortened statutory period for response is set to expire three months from the mailing date of the Office Action, and additionally requests authorization to obtain extensions of time under the provisions of 37 CFR 1.136(a).

In the Office Action, which was a first Office Action, the Examiner noted that for this action in a reissue application, a shortened statutory period for reply was set to expire two months from the mailing date of the Office Action. Additionally, the Examiner noted that, due to the related litigation status of this application, extensions of time under the provisions of 37 CFR 1.136(a) would not be permitted during the prosecution of this application, and any extensions of time had to be requested in advance under the provisions of 37 CFR 1.136(b) only.

An extension of time under 37 CFR 1.136(b) is warranted, because under "Order Of Dismissal For Failure To Serve In Accordance With Rule 4(M), FRCivP and Judgment" (attached) Genetic Applications vs. Life Technologies, Case N . 99CV1337-K, i.e., the litigation, stands dismissed.

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An extension of time is additionally warranted, because under 37 CFR 1.133, an interview cannot be had before the issuance of a first office action and interviews should be arranged for in advance. An interview could not be arranged for in advance of the deadline yet subsequent to the issuance of a first office action, because the shortened statutory period was set to expire only two months from the mailing of the office action. A personal interview with the patent examiner is earnestly being solicited.

An extension of time being warranted, Applicant's Request For Extension Of Time Under 37 CFR 1.136(b) should be **GRANTED**.


Please charge our Deposit Account No. 11-1410 any fee payment due.

In view of the deadline of June 5, 2000 (two months from the mailing date of the April 5, 2000 Office Action), Applicant respectfully requests that the Examiner contact the undersigned at the below-given telephone or fax number with a decision on or before the deadline of June 5, 2000.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/1/2000

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